

HOUSE BILL No. 1100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-23.

Synopsis: Secure rail facilities. Requires a rail operator to submit an annual risk assessment and community protection plan to the department of homeland security and the department of transportation. Prohibits a rail operator from disciplining an employee who reports the operator's failure to submit an assessment or a protection plan. Requires a rail operator to: (1) provide security training to; and (2) conduct background checks of; the operator's employees.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Labor and Employment.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1100

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-23 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 23. Local Rail Safety**

5 **Sec. 1. Not later than January 15 of each year, a rail operator**
6 **shall submit a risk assessment of the rail operator's facilities to the**
7 **department of homeland security and the Indiana department of**
8 **transportation. A risk assessment submitted under this section**
9 **must include the following:**

10 (1) **A description of the facilities of the rail operator and the**
11 **functions of the facilities.**

12 (2) **The types of cargo transported through the facilities**
13 **during the immediately preceding calendar year, including**
14 **the approximate quantity of hazardous materials or oil**
15 **subject to Chapter 1 of Subtitle B of Title 49 of the Code of**
16 **Federal Regulations.**

17 (3) **The extent to which hazardous materials or oil is stored in**

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the facilities, including the location and approximate quantity of the hazardous materials or oil.

(4) The location of a rail facility where hazardous materials or oil is transported or stored, if the rail facility is located within a fifteen (15) mile radius of a school, a hospital, a nursing home, a utility, or a public safety facility.

(5) The rail operator's security plan, including:

(A) practices of the rail operator designed to prevent acts of sabotage or terrorism or other crimes on rail facilities;

(B) security training provided to the rail operator's employees;

(C) emergency response procedures for acts of sabotage or terrorism or other crimes; and

(D) communication procedures with state and local officials, law enforcement officers, and emergency responders in the event of an act of sabotage or terrorism or any other crime.

Sec. 2. (a) Not later than July 15 of each year, a rail operator shall adopt a community protection plan to protect rail facilities and critical rail infrastructure from acts of sabotage or terrorism or other crimes.

(b) A community protection plan adopted under subsection (a) must do the following:

(1) Provide for the security of critical rail infrastructure, including points of vulnerability of the rail system through which hazardous materials or oil is transported. Points of vulnerability include rights-of-way, rail yards, bridges, tunnels, and signal systems.

(2) Describe the rail operator's methods for protecting critical rail infrastructure from acts of sabotage or terrorism or other crimes.

(3) Describe the training provided by the rail operator to the rail operator's employees to enable the employees to identify and respond to security threats, including acts of sabotage or terrorism or other crimes.

(4) Describe the emergency response procedures of the rail operator in dealing with acts of sabotage or terrorism or other crimes.

(5) Describe the communication procedures with state and local officials, law enforcement officers, and emergency responders in the event of an act of sabotage or terrorism or any other crime.

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(c) This subsection applies to a rail facility where hazardous materials or oil is shipped or stored, if the rail facility is located within a fifteen (15) mile radius of a school, a hospital, a nursing home, a utility, or a public safety facility. In addition to the requirements set forth in subsection (b), the community protection plan adopted by the rail facility must do the following:

(1) Provide for regular inspection of the rail facility by trained personnel to determine the condition of the facility and its vulnerability to acts of sabotage or terrorism or other crimes.

(2) Provide for storage of hazardous materials or oil in secure facilities. For purposes of this subdivision, a right-of-way is not a secure facility.

(3) Set forth procedures to prevent the running of locomotive equipment while unattended and leaving unattended locomotive equipment unlocked.

(4) Prescribe methods by which the cabs of occupied locomotives may be secured against unauthorized entry.

(5) Provide security for remote control locomotives to prevent unauthorized use.

(d) Not more than fifteen (15) days after adopting a community protection plan, a rail operator shall submit a copy of the rail operator's community protection plan to the department of homeland security and the Indiana department of transportation. The Indiana department of transportation may modify a community protection plan to comply with this section.

Sec. 3. A rail operator, including a contractor or subcontractor of the rail operator, may not discharge, discriminate against, or otherwise discipline an employee who reports a violation of this chapter.

Sec. 4. A rail operator shall provide ongoing training to employees of the rail operator and of contractors and subcontractors of the rail operator to enable the employees to identify and respond to security threats, including acts of sabotage or terrorism or other crimes.

Sec. 5. A rail operator shall conduct background checks of employees of the rail operator and of contractors and subcontractors of the rail operator.

SECTION 2. [EFFECTIVE JULY 1, 2007] Notwithstanding IC 8-3-23-2, as added by this act, a rail operator shall adopt a community protection plan as described in IC 8-3-23-2, as added by this act, not later than July 15, 2008.

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